

# Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Maine Department of Environmental Protection

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE: Chapter 305, Permit by Rule

STATUTORY AUTHORITY: 38 M.R.S.A. §§ 341-D(1-B) and 480-CC(2), and PL 2007, ch. 290(16)(in part)

DATE AND PLACE OF PUBLIC HEARING: Date: November 1, 2007 at 9:00 am. Place: the Holiday Inn/Ground Round, 110 Community Drive, Augusta, Maine 04330

COMMENT DEADLINE: 5:00 pm, November 12, 2007

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: These amendments are primarily intended to amend Section 20 of Chapter 305 to address two areas.

- (1) Comply with the statutory requirement at 2007, ch. 290(16)(in part) to include provisions in permit by rule (PBR) that (a) incorporate standards for activities consisting solely of cutting or removal of vegetation within shorebird roosting and feeding buffers as specified in statute at 38 M.R.S.A. § 480-CC(2), and (b) provide for an expansion of up to 10% of an existing development area within a shorebird feeding area.
- (2) Provide PBR standards for activities consisting solely of cutting or removal of vegetation to remove a safety hazard or to allow for a footpath within inland waterfowl and wading bird habitat.

Materials related to this rulemaking, including the text of the laws cited above, will be available through: <http://www.maine.gov/dep/blwq/rule.htm>

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The affect of these amendments is to allow applicants for certain activities to obtain approval under the Natural Resources Protection Act (NRPA) through a simplified permitting process (PBR) rather than a full permit, provided specified standards are met.

FISCAL IMPACT OF THE RULE:

Changing from a full permit requirement to a Permit by Rule requirement reduces costs to applicants.

***FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***  
ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

*Note: If necessary, additional pages may be used.*